



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: E. Marlowe Goble et al.  
Serial No.: 10/090,293  
Filing Date: 03/04/2002  
Title: METHOD AND APPARATUS FOR SPINE JOINT  
REPLACEMENT  
Group Art Unit: 3732  
Examiner: Pedro Philogene  
Attorney's Docket No.: MED-3

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR 1.56, 1.97 and 1.98, Applicants hereby make the following documents of record in the above-identified application:

U.S. Patents

- (1) U.S. Patent No. 6,579,319, issued 06/17/03 to Goble et al.
- (2) U.S. Patent No. 6,540,785, issued 04/01/03 to Gill et al.
- (3) U.S. Patent No. 6,540,747, issued 04/01/03 to Marino
- (4) U.S. Patent No. 6,485,518, issued 11/26/02 to Cornwall et al.
- (5) U.S. Patent No. 6,458,131, issued 10/01/02 to Ray
- (5) U.S. Patent No. 6,451,019, issued 09/17/02 to Zucherman et al.
- (6) U.S. Patent No. 6,419,703, issued 07/16/02 to Fallin et al.
- (7) U.S. Patent No. 6,402,750, issued 06/11/02 to Atkinson et al.
- (8) U.S. Patent No. 6,332,883, issued 12/25/01 to Zucherman et al.
- (9) U.S. Patent No. 6,235,030, issued 05/22/01 to Zucherman et al.
- (10) U.S. Patent No. 6,228,118, issued 05/08/01 to Gordon
- (11) U.S. Patent No. 6,190,387, issued 02/20/01 to Zucherman et al.
- (12) U.S. Patent No. 6,183,471, issued 02/06/01 to Zucherman et al.
- (13) U.S. Patent No. 6,156,067, issued 12/05/00 to Bryan et al.
- (14) U.S. Patent No. 6,146,421, issued 11/14/00 to Gordon et al.
- (15) U.S. Patent No. 6,093,205, issued 07/25/00 to McLeod et al.
- (16) U.S. Patent No. 6,068,630, issued 05/30/00 to Zucherman et al.
- (17) U.S. Patent No. 5,951,555, issued 09/14/99 to Rehak et al.
- (18) U.S. Patent No. 5,916,267, issued 06/29/99 to Tienboon
- (19) U.S. Patent No. 5,888,223, issued 03/30/99 to Bray, Jr.

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- (20) U.S. Patent No. 5,755,796, issued 05/26/98 to Ibo et al.
- (21) U.S. Patent No. 5,728,097, issued 03/17/98 to Mathews
- (22) U.S. Patent No. 5,725,582, issued 03/10/98 to Bevan et al.
- (23) U.S. Patent No. 5,713,900, issued 02/03/98 to Benzel et al.
- (24) U.S. Patent No. 5,702,453, issued 12/30/97 to Rabbe et al.
- (25) U.S. Patent No. 5,702,392, issued 12/30/97 to Wu et al.
- (26) U.S. Patent No. 5,645,599, issued 07/08/97 to Samani
- (27) U.S. Patent No. 5,609,634, issued 03/11/97 to Voydeville
- (28) U.S. Patent No. 5,545,166, issued 08/13/96 to Howland
- (29) U.S. Patent No. 5,540,688, issued 07/30/96 to Navas
- (30) U.S. Patent No. 5,534,031, issued 07/09/96 to Matsuzaki et al.
- (31) U.S. Patent No. 5,496,318, issued 03/05/96 to Howland et al.
- (32) U.S. Patent No. 5,458,641, issued 10/17/95 to Ramirez Jimenez
- (33) U.S. Patent No. 5,456,722, issued 10/10/95 to McLeod et al.
- (34) U.S. Patent No. 5,375,823, issued 12/27/94 to Navas
- (35) U.S. Patent No. 5,360,430, issued 11/01/94 to Lin
- (36) U.S. Patent No. 5,318,567, issued 06/07/94 to Vichard
- (37) U.S. Patent No. 5,304,178, issued 04/19/94 to Stahurski
- (38) U.S. Patent No. 5,236,460, issued 08/17/93 to Barber
- (39) U.S. Patent No. 5,180,393, issued 01/19/93 to Commarmond
- (40) U.S. Patent No. 5,171,279, issued 12/15/92 to Mathews
- (41) U.S. Patent No. 5,129,900, issued 07/14/92 to Asher et al.
- (42) U.S. Patent No. 5,092,893, issued 03/03/92 to Smith
- (43) U.S. Patent No. 5,015,255, issued 05/14/91 to Kuslich
- (44) U.S. Patent No. 4,955,908, issued 09/11/90 to Frey et al.
- (45) U.S. Patent No. 4,892,545, issued 01/09/90 to Day et al.
- (46) U.S. Patent No. 4,743,260, issued 05/10/88 to Burton
- (47) U.S. Patent No. 4,653,481, issued 03/31/87 to Howland et al.
- (48) U.S. Patent No. 4,599,086, issued 07/08/86 to Doty
- (49) U.S. Patent No. 4,554,914, issued 11/26/85 to Kapp et al.
- (50) U.S. Patent No. 4,479,491, issued 10/30/84 to Martin
- (51) U.S. Patent No. 4,369,769, issued 01/25/83 to Edwards
- (52) U.S. Patent No. 4,003,376, issued 01/18/77 to McKay et al.
- (53) U.S. Patent No. 3,648,691, issued 03/14/72 to Lumb et al.
- (54) U.S. Patent No. 3,426,364, issued 02/11/69 to Lumb
- (55) U.S. Patent No. 2,677,369, issued 05/04/54 to Knowles

Foreign Patents

- (56) PCT International Publication No. WO 00/62684 A1, by NUVASIVE, INC. published 10/26/00
- (57) PCT International Publication No. WO 01/30248 C2, by Mark A. Reiley published 05/03/01
- (58) PCT International Publication No. WO 01/97721 A2, by KYPHON INC. published 12/27/01
- (59) PCT International Publication No. WO 01/97721 A3, by KYPHON INC. published 12/27/01
- (60) PCT International Publication No. WO 02/89712 A1, by David Gerber et al. published 11/14/02
- (61) PCT International Publication No. WO 03/20143 A2, by SYNTHES published 03/13/03
- (62) PCT International Publication No. WO 95/05783 A1, by FAIRANT published 03/02/95
- (63) PCT International Publication No. WO 96/00049 A1, by FAIRANT published 01/04/96
- (64) PCT International Publication No. WO 98/56301 A1, by KYPHON, INC. published 12/17/98
- (65) PCT International Publication No. WO 99/05995 A1, by GORDON, MAYA, ROBERTS & THOMAS NUMBER 1 LLC published 02/11/99
- (66) PCT International Publication No. WO 99/60957 C2, by NUVASIVE, INC. published 12/02/99
- (67) PCT International Publication No. WO 99/65412 A1, by PIONEER LABORATORIES INC. published 12/23/99

Other Documents

- (68) U.S. Patent Application Publication No. US 2003/0040797 A1, by Fallin et al. published 02/27/03
- (69) U.S. Patent Application Publication No. US 2003/0028250 A1, by Reiley et al. published 02/06/03
- (70) U.S. Patent Application Publication No. US 2003/0004572 A1, by Goble et al. published 01/02/03
- (71) U.S. Patent Application Publication No. US 2002/0151895 A1, by Soboleski et al. published 10/17/02
- (72) U.S. Patent Application Publication No. US 2002/0123806 A1, by Reiley published 09/05/02
- (73) U.S. Patent Application Publication No. US 2002/0099384 A1, by Scribner et al. published 07/25/02

- (74) U.S. Patent Application Publication No. US 2002/0072800 A1, by Goble et al. published 06/13/02
- (75) U.S. Patent Application Publication No. US 2002/0065557 A1, by Goble et al. published 05/01/03

Copies of these documents, which are listed on the accompanying Form PTO-1449 (four pages), are enclosed herewith. Applicants respectfully request that these documents be fully considered by the U.S. Patent and Trademark Office during the examination of this application and printed on any patent which may issue on this application. Applicants also respectfully request that a copy of Form PTO-1449 (four pages), as considered and initialed by the Examiner, be returned to the undersigned with the next communication.

*A check in the amount of One Hundred Eighty Dollars (\$180.00) payable to the Commissioner of Patents and Trademarks also is enclosed herewith to cover the fee due in connection with this submission.*

It is believed that this disclosure complies with the requirements of 37 CFR 1.56, 1.97 and 1.98. If for any reason the Examiner considers otherwise, it is respectfully requested that the undersigned be contacted by the Examiner by telephone in order that any deficiencies may be expeditiously remedied.

The enclosed documents may have markings thereon. Applicants are not presently aware of the source of those markings, and no significance is meant to be attached thereto.

Please charge any additional fees due in connection with this submission, or credit any overpayment, to Deposit Account No. 16-0221. A duplicate copy of this submission is enclosed for the convenience of the Examiner.

Thank you.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

April 16, 2004

(DATE OF DEPOSIT)

James A. Sheridan

(NAME OF ATTORNEY)

*James A. Sheridan 4/16/04*

(SIGNATURE)

April 16, 2004

(DATE OF SIGNATURE)

Respectfully submitted,

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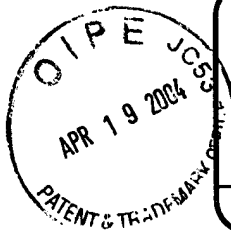
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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### Compleat if Known

Sheet	1	of	4	Attorney Docket Number	MED-3
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### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		6,579,319		Goble et al.	06-17-2003	
		6,540,785		Gill et al.	04-01-2003	
		6,540,747		Marino	04-01-2003	
		6,485,518		Cornwall et al.	11-26-2002	
		6,458,131		Ray	10-01-2002	
		6,451,019		Zucherman et al.	09-17-2002	
		6,419,703		Fallin et al.	07-16-2002	
		6,402,750		Atkinson et al.	06-11-2002	
		6,332,883		Zucherman et al.	12-25-2001	
		6,235,030		Zucherman et al.	05-22-2001	
		6,228,118		Gordon	05-08-2001	
		6,190,387		Zucherman et al.	02-20-2001	
		6,183,471		Zucherman et al.	02-06-2001	
		6,156,067		Bryan et al.	12-05-2000	
		6,146,421		Gordon et al.	11-14-2000	
		6,093,205		McLeod et al.	07-25-2000	
		6,068,630		Zucherman et al.	05-30-2000	
		5,951,555		Rehak et al.	09-14-1999	
		5,916,267		Tienboon	06-29-1999	
		5,888,223		Bray, Jr.	03-30-1999	

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### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		WO	00/62684	A1	NUVASIVE, INC.	10/26/2000		
		WO	01/30248	C2	Mark A. Reiley	05/03/2001		
		WO	01/97721	A2	KYPHON INC.	12/27/2001		
		WO	01/97721	A3	KYPHON INC.	12/27/2001		
		WO	02/89712	A1	David Gerber et al.	11/14/2002		
		WO	03/20143	A2	SYNTHES	03/13/2003		
		WO	95/05783	A1	FAIRANT	03/02/1995		
		WO	96/00049	A1	FAIRANT	01/04/1996		
		WO	98/56301	A1	KYPHON, INC.	12/17/1998		
		WO	99/05995	A1	GORDON, KAYA, ROBERTS & THOMAS MEMBER 1	02/11/1999		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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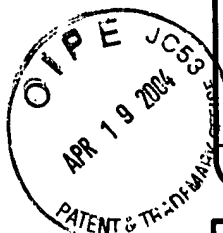
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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### Compleat if Known

Sheet	2	of	4	Application Number	10/090,293
				Filing Date	03/04/2002
				First Named Inventor	E. Marlowe Goble
				Group Art Unit	3732
				Examiner Name	Pedro Philogene
				Attorney Docket Number	MED-3



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		5,755,796		Ibo et al.	05-26-1998	
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		5,645,599		Samani	07-08-1997	
		5,609,634		Voydeville	03-11-1997	
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		5,456,722		McLeod et al.	10-10-1995	
		5,375,823		Navas	12-27-1994	
		5,360,430		Lin	11-01-1994	
		5,318,567		Vichard	06-07-1994	
		5,304,178		Stahurski	04-18-1994	
		5,236,460		Barber	08-17-1993	
		5,180,393		Commarmond	01-19-1993	

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		WO	99/60957	C2	NUVASIVE, INC.	12-02-1999		
		WO	99/65412	A1	PIONEER LABS, INC.	12-23-1999		

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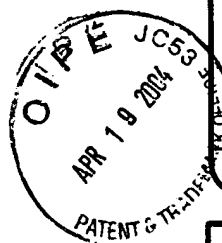
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Marlowe Goble

3732

Pedro Philogene

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		5,015,255		Kuslich	05-14-1991	
		4,955,908		Frey et al.	09-11-1990	
		4,892,545		Day et al.	01-09-1990	
		4,743,260		Burton	05-10-1988	
		4,653,481		Howland et al.	03-31-1987	
		4,599,086		Doty	07-08-1986	
		4,554,914		Kapp et al.	11-26-1985	
		4,479,491		Martin	10-30-1984	
		4,369,769		Edwards	01-25-1983	
		4,003,376		McKay et al.	01-18-1977	
		3,648,691		Lumb et al.	03-14-1972	
		3,426,364		Lumb	02-11-1969	
		2,677,369		Knowles	05-04-1954	
		2003/0040797	A1	Fallin et al.	02-27-2003	
		2003/0028250	A1	Reiley et al.	02-06-2003	
		2003/0004572	A1	Goble et al.	01-02-2003	
		2002/0151895	A1	Soboleski et al.	10-17-2002	

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Cons

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<b>Application Number</b>	10/090,293
<b>Filing Date</b>	03/04/2002
<b>First Named Inventor</b>	E. Marlowe Goble
<b>Group Art Unit</b>	3732
<b>Examiner Name</b>	Pedro Philogene
<b>Attorney Docket Number</b>	MRD-3

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Attorney Docket Number

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